

REMARKS

Claims 10 and 15 have been rejected under 35 U.S.C. 102 as being anticipated by Rivera et al '288. Claims 1, 2, 14 and 16 have been rejected under 35 U.S.C. 103 as being obvious and unpatentable over Rivera et al '288 in view of Tomasetti et al '686; claims 4-6 have been rejected as being obvious and unpatentable over the combination of Rivera '288 in view of Tomasetti '686 and in further view of Halpern GB '183. Claims 4 and 6-9 have been rejected as being obvious and unpatentable over the combination of Rivera '288 in view of Tomasetti '686 in further view of Ericson '529.

Responsive to all the rejections Applicants have amended claims 1, 10 and 15 and seek reconsideration in view of the amendment and the following argument.

With respect to claim 10, Rivera discloses a construction in which lift shaft 26 has a base or floor 24 and a building floor plate. The Examiner has interpreted the floor plate to include a downward-extending edge, as seen in Rivera Fig. 4, which is asserted to have an underside lying at the same level as the lift shaft base or floor 24. To do so, however, requires the interpretation that, in addition to having the downwardly-angled edge portion as shown, the building floor plate also extends further downward to incorporate the distal portion of the lift shaft base 24. Such, however, is inconsistent with the appropriate interpretation of Fig. 4, in which the lift shaft base or floor 24 is cross-hatched in a first direction and the building floor plate is cross-hatched in an opposite direction, showing that they are two separate members abutting each other at a top surface of the lift shaft base 24 and a bottom surface of the downward-extending portion of the building floor plate. It is incorrect and improper for the Examiner to assert that the Rivera construction has a lift shaft base underside lying at the same level as the underside of the floor plate.

In addition, claims 10 has now been amended to recite that the floor plate is flat, with a flat underside. The Rivera floor plate is clearly not flat, and does not have a flat underside, as the edge as shown in Figure 4 provides a step-like construction. There is neither teaching nor suggestion in Rivera that its floor plate construction be revised to eliminate the step to yield a construction in which the lift shaft base has an underside lying at the same level as a flat underside of the floor plate.

With reference to claim 15, Rivera clearly does not disclose a lift cage construction as set forth in the present application and as currently recited in the claim. In particular, while Rivera's three-dimensional body has a pair of opposed sides, a roof and a floor member, its support body does not have closed side frames with front and rear vertical members positioned respectively adjacent the front and rear of one of the opposed sides of the three-dimensional body and joined by upper and lower horizontal members. In addition, it neither teaches nor suggests that the side frames are connected together by way of a horizontal top frame forming a web, lying above the roof of the three-dimensional body, the three-dimensional body being thus surrounded on its sides and roof by the U-shaped construction.

Rivera's support body or intermediary frame 16 does not have two vertically-extending rectangular closed side frames. While there is a forward vertical member there is no rear vertical member. Further, the side frames are open, not closed, and do not have vertical members positioned respectively adjacent the fronts and rears of the opposed sides of the three-dimensional body. Rather, the sole vertical member of each side frame is positioned at a rear of the three-dimensional body, with upper and lower horizontal members extending further rearwardly, behind the three-dimensional body, for engagement with the guide rails 14. In addition, Rivera's asserted inverted U-shaped construction does not have side frames connected together by a top frame forming a rectangular web overlying the roof of the three-dimensional body. Rivera's horizontal top "frame" comprises a single horizontal beam, located at the rear of the three-dimensional body, and which does not form a rectangular web overlying the roof. Furthermore, Rivera's asserted inverted U-shaped construction does not substantially surround the entireties of the sides and roof of the three-dimensional body; it surrounds, at the most, only a small portion of the rearmost part of the body or cage.

With respect to claim 1, the arguments with respect to Rivera and claim 15 are applicable here as well, as Rivera does not disclose a web-like top frame extending in a horizontal plane above and across substantially an entirety of the roof member. Further, the vertically-extending side frames of Rivera are not arranged at and are not co-extensive with the widths of opposed sides of the lift cage. Rather, they are of a substantially shorter width or depth and extend rearwardly of, rather than positioned co-extensively with, the opposed lift cage sides. Further, Rivera's side frames are not interconnected by a top frame web. Rather, they are interconnected only by a single beam forming Rivera's asserted "top frame", which

being of a single member cannot and does not extend in a horizontal plane above and across substantially an entirety of the three-dimensional body's roof member.

Tomasetti '686 does not teach a three-dimensional body "suspended" in a support body 3-6. Tomasetti's "support body" is the car frame itself, to which wall panels, a floor and a roof are directly mounted. Integral with the sides of Tomasetti are the lower cross pieces 21 and 22 which form the (base) supporting structure 2. As Tomasetti itself sets forth, the two rectangular frame stiffeners 3, 4 in the form of side frames are fastened laterally to the supporting structure 2. See col. 2, lines 61-64. Thus, Tomasetti does not teach a U-shaped frame having an open body. It is both improper as well as inaccurate to ignore the supporting structure 2 to define Tomasetti as having such an open U-shaped construction.

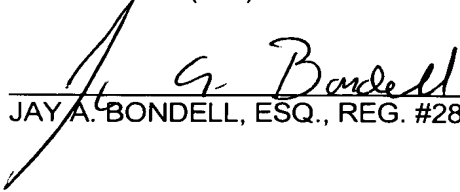
Furthermore, there is neither suggestion or teaching in Tomasetti that its construction can be utilized to support a separate three-dimensional body; Tomasetti discloses a totally integrated cab construction. Nor is there suggestion or teaching in either Rivera or Tomasetti that Rivera's support body be formed into an inverted vertically-extending U-shaped frame embracing the sides and top of a three-dimensional body, much less with an open bottom to the present invention. Such a combination would require the complete reworking of the Rivera construction, of which no suggestion in either reference exists.

Withdrawal of the rejections and passage to allowance is solicited.

Respectfully submitted,

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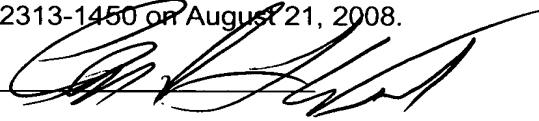

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Carol L. Wood

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